

Appl. No. 10/631,231
Reply to Office Action of April 5, 2006

REMARKS

The Applicants have carefully reviewed and considered the Office Action of 5 April 2006. In response the Applicants amend claims 3 and 6 to depend from claim 2 rather than claim 1. This effectively provides proper antecedent basis for the limitations of claim 3 and 8 thereby overcoming the rejection of those claims under 35 USC § 112, second paragraph. As such, that rejection should now be withdrawn.

In addition, claim 1 is amended to more clearly patentably distinguish over the cited art of record. As amended, independent claim 1 and dependent claims 2-7 and 16-18 patentably distinguish over U.S. Patent 6,375,696 to Wegelin et al. In the Office Action the Examiner indicates that Wegelin et al. teach "a vacuum cleaner apparatus comprising a foot/nozzle (102), a housing/canister (104) having a rear wall (13), side walls (132 and 134), bottom wall (136) which forms a front cavity (140) for receiving a dirt cup or container (150). The apparatus comprises a motor-fan assembly, which creates suction at an inlet opening (118)."

In formulating the rejection the Examiner fails to indicate what structure is considered to be the "filter receiver" as set forth in claim 1 of the present application. It could be the filter chamber 218 of the dirt cup or the compartment 172 on the side of the housing for the exhaust filter.

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Clearly the primary filter compartment 218 in the Wegelin et al. reference is provided in the removable dirt cup and not the dirt cup receiver on the canister assembly. In contrast, the final filtration compartment 172 in the Wegelin et al. reference is provided on the canister assembly outside the dirt cup receiver or cavity 140.

As amended, claim 1 provides that the canister assembly includes a dirt cup receiver and a separate filter receiver provided in the dirt cup receiver. Support for this amendment is found throughout the patent application including, for example, drawing Figure 2 and in the text in the second full paragraph on page 6. Clearly, under any interpretation of the Wegelin et al. reference, that prior art reference fails to teach or suggest the presently claimed structure. Accordingly, the structure set forth in claim 1 patentably distinguishes over the Wegelin et al. patent and claim 1 should be allowed.

Claims 2–7 and 16–18 which depend from claim 1 and are rejected on the same grounds are equally allowable for the same reasons.

Claims 8–15 also very clearly patentably distinguish over the Wegelin et al. reference when considered in combination with U.S. Patent 6,615,444 to McGill et al. The McGill et al. patent is cited for its disclosure of a dirt cup incorporating a hinged door. The McGill et al. patent fails to address the shortcomings noted above with respect to the primary reference to Wegelin et al. and, accordingly, claims 8–15 should be

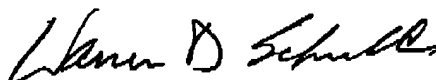
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allowed. More specifically, whether considered alone or in combination the Wegelin et al. and McGill et al. references fail to teach or suggest the concept of providing a floor cleaning apparatus including a canister assembly having a dirt cup receiver and a separate filter receiver provided in the dirt cup receiver.

In summary, all the pending claims patentably distinguish over the prior art and should be formally allowed. Upon careful review and consideration it is believed the Examiner will agree with this proposition. Accordingly, the early issuance of a formal Notice of Allowance is earnestly solicited.

Respectfully submitted,

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